

Regular Session, September 8, 2009, 9:30 a.m.  
Catawba County Board of Commissioners

**Appointments**

Library Board of Trustees	422	09/08/09
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**Closed Session**

Location/expansion of industry/Economic Incentives	426	09/08/09
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**Emergency Services**

Sole Source Exemption for Lifepak Monitor/Defibrillators	422	09/08/09
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**Resolution**

Blackburn-Plateau Water Loop Contract Award to Neill Grading	425	09/08/09
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**Sheriff's Office**

Governor's Crime Commission Grant	422	09/08/09
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**Tax**

Refund Request	422	09/08/09
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**Utilities and Engineering**

Contract with Conover – Water line Extension for Remington Drive	423	09/08/09
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Contract with Conover - Water line Extension for Leeland Terrace Subdivision	423	09/08/09
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Blackburn-Plateau Water Loop Contract Award to Neill Grading	424	09/08/09
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The Catawba County Board of Commissioners met in regular session on Tuesday, September 8, 2009 at 9:30 a.m. in the Robert E. Hibbitts Meeting Room of the 1924 Courthouse in Newton, North Carolina.

Present were Vice-Chair Lynn M. Lail and Commissioners Dan A. Hunsucker, Glenn E. Barger and Barbara G. Beatty.

Chair Katherine W. Barnes was absent.

Also present were County Manager J. Thomas Lundy, Assistant County Manager Lee Worsley, Assistant County Manager Dewey Harris, County Attorney Debra Bechtel, Deputy County Attorney Anne Marie Pease, and County Clerk Barbara Morris.

1. Vice-Chair Lynn M. Lail called the meeting to order at 9:30 a.m.
2. Commissioner Glenn E. Barger led the Pledge of Allegiance to the Flag.
3. Commissioner Barbara G. Beatty offered the invocation.
4. Commissioner Barger made a motion to approve the amended minutes from the Regular Meeting of August 3, 2009 and the minutes of the Regular Meeting of August 17, 2009. The motion carried unanimously.
5. Recognition of Special Guests: Vice-Chair Lail welcomed everyone present and recognized reporter Sarah Newell and new Observer News Enterprise reporter Becca Piscapo.
6. Public Comments for Items not on the Agenda: Vice-Chair Lynn Lail thanked the County staff for all their efforts in making the recent North Carolina Association of County Commissioners' Annual Conference, held at the Hickory Metro Convention Center, a success.

7. Appointments.  
Commissioner Beatty recommended the reappointment of Amanda Kain for a second term on the Library Board of Trustees and the appointment of Patricia Gibson for a first term on this Board to replace Brenda Isaac. These terms will expire June 30, 2013. These recommendations came in the form of a motion and the motion carried unanimously.
8. Consent Agenda:  
County Manager J. Thomas Lundy presented the following three items under the Consent Agenda:
  - a. A request for the Board to accept a two-year grant for \$106,885.76 from the Governor's Crime Commission to fund an additional investigator for the Sheriff's Office's Domestic Violence Unit. Grant funds totaling \$52,202 will be appropriated for this position for the current fiscal year. The Board also approved the appropriation of \$21,872 in County funds to purchase a vehicle for the investigator, which will serve as a required first year match for this grant.

The grant is funded through the federal American Recovery and Reinvestment Act of 2009, allocated to the State of North Carolina and awarded by the Governor's Crime Commission. The two-year grant, which begins on October 1, 2009, represents 75% of total expenses. The Domestic Violence Unit was created in July 2008 through a two-year grant. The existing unit has one deputy and one investigator. Before the creation of this specialized unit, road patrol deputies served as Domestic Violence Officers along with their other duties, and there was no investigator dedicated to domestic violence cases. The County's domestic violence problem is larger than anticipated. The current investigator's case load has been over 150 open cases per month. A manageable case load is 21 per month, per investigator. 586 cases were investigated during the first year of operations for the Domestic Violence Unit and comprehensive services were provided to victims. Prior to July 2008, there was no investigation or service for these victims. Arrests for domestic violence violations have doubled, which may have prevented further life threatening violence. The addition of a Deputy Sheriff Investigator will provide more comprehensive services to victims of domestic violence, dating violence, sexual assault, and stalking, and allow for better evidence-based prosecution, victim services and collaboration with community providers.

- b. A request for the Board to authorize the sole source exemption for purchase of four LIFEPAK® 15 Monitor/Defibrillators and accessories for Emergency Medical Services, for \$122,942.61. Funds were included for this purpose in the 2009-2010 County budget. The North Carolina Office of Emergency Medical Services requires that all EMT-Paramedic level ambulances have the capability to transmit 12-lead ECGs to receiving hospitals. Both Frye Regional Medical Center and Catawba Valley Medical Center use Physio-Control LIFEPAK cardiac monitors and defibrillators and have the capability to receive transmissions from these devices. Their receiving stations will not receive data from other defibrillator/monitor manufacturers. The County currently owns 43 Physio-Control cardiac monitors and/or defibrillators. All accessories used by the County, such as batteries, battery charges, cables, defibrillator pads, paper CO<sup>2</sup> probes, blood pressure tubes and cuffs, are the same brand. If another brand's device was purchased, it would require two sets of accessories. Catawba County EMS has used Physio-Control LIFEPAK® cardiac monitors and defibrillators for over fifteen years and has experienced excellent service.

North Carolina General Statute 143-129 allows an exception from formal bidding for purchase contracts when performance or price competition for a product is not available; when a needed product is available from only one source of supply; or when standardization or compatibility is the overriding consideration. Physio-Control is the only source for purchase of LIFEPAK monitor/defibrillators.

- c. A request for the Board to approve a tax refund request totaling \$417.25. Records had been checked and this refund verified, so the Tax Collector recommended approval of the request. Under North Carolina General Statute 105-381, a taxpayer who has paid his or her taxes may request a refund in writing for an amount that was paid through error

Vice-Chair Lail asked if any Board member wished to have any item broken out of the consent agenda for further discussion. None were requested. Commissioner Beatty made a motion to approve the consent agenda. The motion carried unanimously.

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Departmental Reports:

Utilities and Engineering:

a. Utilities and Engineering Assistant Director Jack Chandler presented a request for Board approval of a contract between the County and the City of Conover for a water line extension on Remington Drive, under the Revenue Sharing Agreement Program, and a resulting budget revision for project development in the amount of \$30,000. This project was brought to the County's attention by several citizens who live on Remington Drive. Fourteen residents on Remington Drive are currently using private wells. Three have dry wells and limited resources to install new wells. Due to the imminent public health need caused by the loss of potable water, County staff is prepared to move forward to develop a water line along Remington Drive. It is anticipated that design and permitting will be completed, and construction will be started, within 30 days. A contract for construction will be awarded through the informal bid process since the project amount is less than \$50,000. This project was included in the County's Utility Priority Ranking Tool and ranked higher than any previous project due to the imminent public health need. Staff is working with the Western Piedmont Council of Governments (WPCOG) to apply for Community Development Block Grant Infrastructure Hookup funds to connect low and moderate income persons to municipal water. If the County is awarded this grant, the property owners along Remington Drive will be contacted by the WPCOG to determine their eligibility for inclusion in the grant program. Commissioner Barger asked Mr. Chandler if any of the neighboring subdivisions shown on the map were experiencing the same water problems and Mr. Chandler said they had received no calls or reports of problems in these subdivisions. Commissioner Dan Hunsucker made a motion to approve the subject contract and the resulting budget revision of \$30,000. The motion carried unanimously. The following appropriations apply:

Revenue

415-430050-690100

\$30,000

Fund Balance Applied

Expenditures

415-431100-861500-26010

\$30,000

Remington Drive Water

b. Utilities and Engineering Assistant Director Jack Chandler presented a request for Board approval of a contract between the County and the City of Conover for a water line extension in the Leeland Terrace Subdivision, under the Revenue Sharing Agreement Program, and a resulting budget revision for project development in the amount of \$213,226. Residents from the Leeland Terrace Subdivision attended the Board's July 21, 2008 meeting. Mr. Rodney Broome spoke on their behalf requesting that the County extend water service into the subdivision because multiple water wells were going dry due to a drop in the water table in that area. County staff was instructed to secure a design engineer and proceed with developing the project. The County initially received a petition from the residents of Leeland Terrace in August of 2002, but funds were not available for the project at that time. The petition indicated that 23 residents agreed to connect to the waterline. Funds are now available from proceeds of a ¼ cent sales tax approved by voters in 2007. The project consists of approximately 3,477 linear feet of 6-inch and 2-inch water lines and related equipment, and will provide municipal water service to 25 existing residences in the Leeland Terrace Subdivision. Commissioner Barger made a motion to approve the contract between the County and the City of Conover for the subject water line extension and the resulting budget revision in the amount of \$213,226. The following appropriations apply:

Revenue

415-430050-690100

\$213,226

Fund Balance Applied

Expenditures

415-431100-861500-26011

\$213,226

Leeland Terrace Subdivision

c. Utilities and Engineering Director Jack Chandler presented a request for the Board to award a contract for construction of the Blackburn-Plateau Water Loop Project to Neill Grading & Construction, Inc. of Hickory, NC in the amount of \$2,736,715.90, and approve McGill Associates, PA to perform funding documentation and construction inspection and observation services for \$194,500. The Blackburn-Plateau Water Supply Loop Project consists of approximately 57,400 linear feet of 8-inch, 12-inch, and 16-inch diameter water lines. The water line will extend along a portion of Plateau Road to the proposed Propst Crossroads Fire Station, then along Grace Church Road to Hickory-Lincolnton Highway, then south on Hickory-Lincolnton Highway to Blackburn Bridge Road, then along Blackburn Bridge Road to Startown Road, north along Startown Road to Elbow Road, west on Elbow Road, north under US Highway 321 to West Maiden Road, then along West Maiden Road to Startown Road. The project will provide municipal water to the proposed Propst Crossroads Fire Station; provide municipal water and enhanced fire protection to portions of the Propst and Maiden Fire Districts; provide municipal water and enhanced fire protection to a proposed expansion of the Catawba Valley Mills manufacturing facility; provide municipal water along the western and southern boundaries of the Blackburn Landfill; provide a secondary water supply loop to the Town of Maiden and the Southeast Catawba County Water Supply system, in the event of a problem with the City of Hickory's 36-inch water supply main on Startown Road, and provide municipal water and fire protection to the site of the planned Apple, Inc. Data Center.

On February 16, 2009, the Board approved a resolution to seek funding under the Federal American Recovery and Reinvestment Act of 2009 (ARRA), for this project. On May 15, 2009, staff was notified that the County had received a \$3 million loan from ARRA funds for the project, with \$1.5 million in the form of a principal forgiveness loan (a grant) and \$1.5 million in the form of a zero percent interest loan, with a 20-year term with payments estimated at \$75,000 annually.

The ARRA requires that the bid be awarded by resolution. On August 17, 2009, the Board approved a contract between Catawba County and the City of Hickory for a waterline extension under the Revenue Sharing Agreement Program for the Blackburn-Plateau Water Supply Loop. On August 19, 2009, the County received bids for construction of the loop from the following contractors: Buckeye Construction Company, \$3,242,370; Cooper Construction Company, Inc., \$2,998,476; Hall Contracting Corporation, \$2,714,891; Hickory Sand Company, Inc., \$2,947,892.50; Neill Grading & Construction, Inc., \$2,736,715.90; Ramey, Inc., \$3,423,095; Ronny Turner Construction Company, Inc., \$3,035,051 and Triangle Grading & Paving, Inc. \$3,319,130.

Based on a review of the bids and qualifications, McGill Associates recommended the bid be awarded to Neill Grading & Construction, Inc. of Hickory, in the amount of \$2,736,715.90. The County set minimum requirements for contractors. All must have experience with four major projects similar in scope to the Blackburn-Plateau Water Project and there were ARRA minority and small business outreach requirements for both the owner and contractors. The apparent low bidder, Hall Contracting Corporation of Charlotte, did not meet the minority and small business outreach efforts required by the County and the ARRA. Since Hall Contracting Corporation did not meet these requirements, their bid is nonresponsive. Neill Grading & Construction, Inc., the next low bidder, is not using any subcontractors in its bid and was therefore not required to perform any minority or small business outreach efforts. ARRA funding requires extensive additional information, tracking and reporting not typically required for utility projects, and that tracking and reporting is included in the Funding Documentation Services proposed by McGill Associates.

Commissioner Barger asked if staff felt that the DENR acceptance was just a formality and Mr. Chandler said he thought it was pretty routine. Commissioner Barger also said it would be good to make plans to hook up the mile along Hickory/Lincolnton Hwy that was omitted from this project and Mr. Chandler said the U&E department was looking into funding to do that. Commissioner Beatty made a motion to adopt the necessary resolution, award the bid to Neill Grading & Construction and approve McGill Associates for the proposed services. The motion carried unanimously. The following resolution applies:

2009 – \_\_\_\_\_

**Resolution to Award Bid for the  
Blackburn-Plateau Water Supply Loop Project**

WHEREAS, on May 21, 2009, the County of Catawba, was notified of being successful in it's application for Economic Recovery Funding under the American Recovery and Reinvestment Act of 2009; and

WHEREAS, the County of Catawba, North Carolina, was awarded Three Million Dollars (\$3,000,000) from the North Carolina Drinking Water State Revolving Fund to finance public water infrastructure improvements; and

WHEREAS, the Blackburn-Plateau Water Supply Loop Project provides a secondary water supply loop to the Town of Maiden and the SECC Water Supply system, provides municipal water and enhanced fire protection to: the proposed Propst Crossroads Fire Station, portions of the Propst and Maiden Fire Districts, a proposed economic development project; the expansion of the Catawba Valley Mills Manufacturing Facility, along the western and southern boundaries of the Blackburn Landfill, and to the Apple site, and

WHEREAS, the County of Catawba, pursuant to a duly advertised notice thereof, received and publicly opened bids for the Blackburn-Plateau Water Supply Loop Project on August 19, 2009; and

WHEREAS, Neill Grading & Construction, Inc. of Hickory, North Carolina is the lowest responsive bidder for the project, in the total bid amount of \$2,736,715.90; and,

WHEREAS, McGill Associates, PA, the Project Engineer, has reviewed said bids and recommends awarding the contract to Neill Grading & Construction, Inc. of Hickory, North Carolina in the amount of \$2,736,715.90; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Catawba County that:

the AWARD for Blackburn-Plateau Water Supply Loop Project is made to Neill Grading & Construction, Inc. of Hickory, North Carolina in the Total Bid Amount of \$2,736,715.90 subject to the North Carolina Department of Environment and Natural Resources, Public Water Supply Section, DBE approval; and

the County of Catawba has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to federal and State grants and loans pertaining thereto; and

the Catawba County Director of Utilities & Engineering and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State or Federal agency may request in connection with the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the Project.

Adopted this the \_\_\_\_\_ day of September, 2009 at Catawba County, North Carolina;

10. Other Items of Business: None.
11. Attorneys Report. None.

12. Manager's Report.

County Manager J. Thomas Lundy requested that the Board consider moving into Closed Session pursuant to General Statute 143-318.11(a)(4) to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations. Mr. Lundy indicated he anticipated no action upon the Board's return to open session. Commissioner Hunsucker made a motion to move into closed session and the motion carried unanimously. The Board moved into closed session at 10:00 a.m.

13. Adjournment: The Board returned to open session and Commissioner Hunsucker made a motion to adjourn. The motion carried unanimously and the meeting adjourned at 10:21 a.m.

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Katherine W. Barnes, Chair  
Board of Commissioners

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Barbara E. Morris  
County Clerk